

Minutes of the Judiciary and Law Enforcement Committee
August 12, 2011

Chair Jean Tortomasi called the meeting to order at 8:30 a.m.

Committee Members Present: County Board Supervisors Jean Tortomasi (Chair), Steve Wimmer, Bill Zaborowski, Peter Wolff, Paul Decker and Dave Falstad. **Absent:** Supervisor Kathleen Cummings.

Also Present: Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Emergency Preparedness Director Richard Tuma, Emergency Management Coordinator Bill Stolte, Deputy Inspector Eric Severson, Business Manager Lyndsay Johnson, Inspector Steve Marks, Lieutenant Torin Misko and Devin, member of the Waukesha County Explorer Post.

Approve Minutes of July 26, 2011

MOTION: Decker moved, second by Wimmer, to approve the minutes of July 26, 2011.
Motion carried 6-0.

Correspondence

- Thank-you letters (2) addressed to Medical Examiner's Office staff, forwarded by Dr. Lynda Biedrzycki, Medical Examiner.

Reports from Committee Member Liaisons

Tortomasi announced that Judiciary and Law Enforcement Committee members are invited to attend the Executive Committee meeting on Monday, August 15, 2011, for the presentation of the Waukesha County Communications Center Audit.

MOTION: Wolff moved, second by Falstad, to approve attendance of the Judiciary Committee at the Executive Committee meeting on August 15, 2011. Motion carried 6-0

Future Meeting Date

- September 16, 2011

Ordinance 166-O-044: Accept Homeland Security-Urban Area Security Initiative FY2009 Program Funding And Modify The Emergency Preparedness 2011 Budget To Appropriate Grant Revenues And Expenditures For Citizen Preparedness Activities

Tuma and Stolte were present to discuss this ordinance which authorizes the acceptance of a grant award in the amount of \$200,000 to be used for citizen preparedness activities. Stolte stated this funding would be the last iteration of Waukesha County's citizen preparedness grants through the Urban Area Security Initiative (UASI), as the urban area of Milwaukee was not included in the 2011-2012 funding cycle. The grant funding will be used to pay for supplies and materials for community education, Community Emergency Response Team training (CERT), public information brochures and campaigns, the Medical Reserve Corps training summit in September, and various other community training/educational events.

The citizen training activities program is a cooperative effort between Milwaukee, Ozaukee, and Waukesha Counties. One of the initiatives of this program is for it to function as a stand-alone organization rather than having its staff work as limited-term County employees. The Southeast Wisconsin Citizens and Organizations Active in Disaster (COAD) Council is developing a plan to seek outside resources to fund continuing future operations after the grant funding ends.

MOTION: Decker moved, second by Falstad, to approve Ordinance 166-O-044. Motion carried 6-0.

Legislative Update

Spaeth stated there has not been much legislative related activities during the summer but she has been receiving meeting requests from legislators regarding ideas for new legislation. Spaeth noted that she and Allison Bussler went to Madison and met with Representative Chris Kapenga to discuss the QBS (qualifications-based selection) bid process.

Spaeth is monitoring a proposed bill that would require non-partisan elections for the offices of district attorney, sheriff, register of deeds, county clerk, treasurer, surveyor, coroner, and clerk of circuit court. Waukesha County is not taking a position at this time.

Ordinance 166-O-040: Repeal And Recreate Sections 13-102(a)-(a) Of The Waukesha County Code Of Ordinances To Allow County Enforcement Of State Offenses

Johnson, Marks, and Severson were present to discuss the ordinance which modifies the Waukesha County Code to allow county enforcement of state statutes regarding possession of synthetic cannabinoids (i.e. synthetic marijuana, spice, K-2). Severson discussed the issues which have resulted from the emergence of synthetic marijuana substances being produced and distributed throughout the country. This ordinance would provide the Sheriff's Department a more flexible enforcement tool, giving the authority to issue municipal citations rather than criminal charges for the possession of synthetic marijuana (the same as marijuana). Paid forfeitures would be retained by the county. The district attorney is in agreement with issuing municipal citations rather than charging these offenses as crimes. The adoption of the state statute into the county code would also create more uniformity and consistency throughout the law enforcement agencies in the county.

Wolff stated that there is currently no field test for synthetic marijuana and asked whether citations would be issued based on suspicion that a substance is synthetic marijuana, or would it be confiscated, tested, and citations issued after the fact. He noted that since there are many similar looking products on the market, perhaps a policy should be developed so that arrests are not made based on possession of a substance that may not be synthetic marijuana. Severson stated that charges would be not be issued unless the burden of proof is met, created by the totality of the circumstances. He further discussed the procedure/protocol that would be followed in such cases. The development of a specific policy would not be necessary because it is no different that any other offense where the elements of the offense must be met. Tortomasi asked if there is any effort in progress to develop a field test for synthetic marijuana. Severson stated he was not aware of any at this time.

Falstad asked about the extent of the problem of synthetic marijuana in Waukesha County. Severson stated that there have been some cases, mainly at the Huber facility; however the problem overall is not nearly at the level as that of marijuana. At this time it a matter of being proactive by having the tools in place to deal with any possible issues with synthetic marijuana in the future. Marks added that prior to this ordinance, the City of Waukesha police were called to Huber to write municipal citations.

Wimmer expressed concerns regarding the language in lines 89-94 of the ordinance, specifically in line 93, and suggested the word "shall" should be changed to "may". The current language could possibly be misinterpreted and result in double jeopardy with the offender being fined and prosecuted for the same offense. Severson stated that the language is consistent with every other ordinance that deals with municipal violations. He stated that chapters 48 and 938 of the state statutes have requirements on who is notified and how when dealing with juveniles. It does not require charges but rather the appropriate referrals for juveniles who have violated the law. Wolff suggested that corporation council review the language for clarification. After further discussion, Spaeth stated she would inform Tom Farley of the

aforementioned discussion and ask him to review the language so that the issue would be resolved before the ordinance goes to the County Board for consideration.

MOTION: Wolff moved, second by Decker, to approve Ordinance 166-O-040. Motion carried 6-0.

Explorer Program Overview

Marks stated that Sheriff Trawicki established the Waukesha County Sheriff's Explorer Post approximately five years ago. Presently 12 young individuals with hopes of having a future career in law enforcement are involved in the program. Marks introduced Misko and Devin, a Waukesha County Explorer Program participant.

Wolff left at approximately 9:00 a.m.

Misko provided an overview of the Explorer Program. The program originated with the Boy Scouts of America to teach young adults on-the-job skills. The Explorer Program provides training and guidance geared toward law enforcement careers and provides opportunities to try leadership roles and develop skills. The program is open to young men and women who are 14 (and have completed the 8th grade) or 15-20 years of age. The Explorers meet two Sundays a month for two hours. Activities include classroom instruction in AED/CPR training, arrest tactics, firearm training tactics, ride-alongs, etc. They also participate in various scenario-based training exercises and participate in numerous competitions with other Explorer groups both statewide and nationally. Recently the Explorers assisted Sheriff's staff at the County Fair and will provide assistance at future county events such as Wings Over Waukesha and fundraising events. Severson noted that the Explorers did a great job in providing security assistance at the County Fair. He acknowledged Devin for his outstanding leadership role in taking charge of the Explorers activities, including organization, scheduling, briefing, etc.

Devin explained how he became involved in the Explorer Program and the invaluable experiences and opportunities the program has provided him. He has been in the program for four years and hopes to have a future career in law enforcement. Devin currently attends WCTC and is gaining valuable work experience as a private security officer.

Tortomasi requested the Explorer Program brochure be forwarded for distribution to all county board supervisors.

Severson invited the committee members to stop by the Sheriff's Department to view the display of awards and plaques earned by the Waukesha County Explorer Post.

MOTION: Decker moved, second by Zaborowski, to adjourn at 9:34 a.m. Motion carried 5-0.

Respectfully submitted,

Kathleen M. Cummings
Secretary